

SENATE BILL 2398
By Crutchfield

AN ACT to amend Tennessee Code Annotated, Title 38, Chapter 7, relative to medical examiners.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 38-7-102, is amended by deleting the section in its entirety and by substituting instead the following:

38-7-102. Postmortem examination department. The governor of the state of Tennessee is hereby authorized and empowered to create and maintain a postmortem examination department. The department shall have as its functions the investigation of certain deaths as hereafter defined and the keeping of full and complete records of all reports on investigations and examinations made pursuant to provisions of this chapter. The governor shall appoint a chief medical examiner to direct the department. The chief medical examiner shall appoint such personnel as appropriate to the enforcement of the duties and powers of this chapter and is hereby authorized and empowered to spend such funds as may be appropriated for the enforcement of this chapter. All equipment, records, microfilm, computer data and computer programs and any and all other material related to the medical examiners program shall be transferred from the state department of health to the postmortem examination department, no later than the effective date of this act.

SECTION 2. Tennessee Code Annotated, Section 38-7-103 (b) is amended by deleting from the first sentence the following words and punctuation:

“, with the approval of the commissioner of health,”

SECTION 3. Tennessee Code Annotated, Section 38-7-104 (c) is amended by deleting the last sentence and by substituting instead the following:

“The chief medical examiner is authorized to pay to the county medical examiner an appropriate fee for the filing of a satisfactory report of each investigation.”

SECTION 4. Tennessee Code Annotated, Section 38-7-105 (a) is amended by deleting from the first sentence the following words and punctuation:

“When a state medical examiner’s facility is not available,”

SECTION 5. Tennessee Code Annotated, Section 38-7-105 (a) is further amended by deleting the third sentence.

SECTION 6. Tennessee Code Annotated, Section 38-7-105 (a) is further amended by adding as the last sentence the following sentence:

“The chief medical examiner has the authority to contract with pathologists to provide the professional services necessary to perform medicolegal autopsies and to act as consultants to county medical examiners.”

SECTION 7. Tennessee Code Annotated, Section 38-7-105 (b) is amended by deleting the following words:

“regardless of the availability of a state medical examiner’s facility”

SECTION 8. Tennessee Code Annotated, Section 38-7-109 (a) is amended by deleting the first sentence in its entirety and by substituting instead the following sentence:

“When a death is reported as provided in 38-7-108, it is the duty of the county medical examiner to immediately make an investigation of the circumstances of this death and record the county medical examiner’s findings on a form established by the postmortem examination department for this purpose, send one (1) copy to the chief medical examiner, keep one (1) copy for the county medical examiner’s files, and present one (1) copy to the district attorney general if there is evidence of foul play and/or if in the county medical examiner’s judgment an autopsy should be performed.”

SECTION 9. Tennessee Code Annotated, Section 38-7-110 (c) is amended by deleting the last sentence in its entirety and by substituting instead the following sentence:

“The postmortem examination department is authorized to charge a fee of fifteen dollars (\$15.00) for a certified copy of each county medical examiner’s report and each toxicological report and a fee of forty dollars (\$40.00) for a certified copy of each autopsy report.”

SECTION 10. Tennessee Code Annotated, Section 38-7-117 is amended by deleting the following words:

“through the appropriate district attorney general”

SECTION 11. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 12. This act shall take effect July 1, 1996, the public welfare requiring it.